

REMARKS

Claims 1 through 3 are currently pending in the application.

This amendment is in response to the Office Action of March 31, 2005.

Double Patenting Rejection Based on U.S. Patent 6,147,316

Claims 1 through 3 are rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1 and 2 of U.S. Patent 6,147,316. In order to avoid further expenses and time delay, Applicant elects to expedite the prosecution of the present application by filing a terminal disclaimer to obviate the double patenting rejections in compliance with 37 C.F.R. §1.321 (b) and (c). Applicant's filing of the terminal disclaimer should not be construed as acquiescence of the Examiner's double patenting or obviousness-type double patenting rejection. Attached is the terminal disclaimer and accompanying fee.

35 U.S.C. § 102(e) Anticipation Rejections

Anticipation Rejection Based on Yabe (U.S. Patent 5,726,074)

Claims 1 through 3 were rejected under 35 U.S.C. § 102(e) as being anticipated by Yabe (U.S. Patent 5,726,074).

Applicant asserts that a claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference. *Verdegaal Brothers v. Union Oil Co. of California*, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). The identical invention must be shown in as complete detail as is contained in the claim. *Richardson v. Suzuki Motor Co.*, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989).

Applicant asserts that the present application claims an effective priority date of January 17, 1997. The Yabe reference has an issue date of March 10, 1998. Applicant asserts that the Yabe reference is not prior art to the present application as the issue date of the patent is after the effective filing date of the application. Accordingly, claims 1 through 3 are allowable over the Yabe reference.

Serial No. 10/092,185

Applicant submits that claims 1 through 3 are clearly allowable over the cited prior art.

Applicant requests the allowance of claims 1 through 3 and the case passed for issue.

Respectfully submitted,



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